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UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

In re VERITY HEALTH SYSTEM OF CALIFORNIA, INC., *et al.*, Debtors and Debtors In Possession.	Lead Case No. 2:18-bk-20151-ER Adversary No. 2:19-ap-01042-ER Chapter 11
VERITY HEALTH SYSTEM OF CALIFORNIA, INC., a California nonprofit public benefit corporation, ST. VINCENT MEDICAL CENTER, a California nonprofit public benefit corporation and ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Plaintiffs, v. HERITAGE PROVIDER NETWORK, INC., a California corporation, Defendant.	**STIPULATION EXTENDING LITIGATION DEADLINES AND CONTINUING PRE-TRIAL CONFERENCE AND TRIAL WEEK DATES IN ORDER TO ACCOMMODATE MEDIATION** [No Hearing Required]

TO THE HONORABLE ERNEST M. ROBLES, UNITED STATES BANKRUPTCY JUDGE:

The parties to the within adversary proceeding, Plaintiffs, Verity Health System of California, Inc., St. Vincent Medical Center, and St. Francis Medical Center, (collectively, "Verity" or "Plaintiffs"), and Defendant, Heritage Provider Network, Inc., ("Heritage" or "Defendant"), stipulate as follows:

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RECITALS

1. Plaintiffs' First Amended Complaint was filed in this action on March 11, 2019 [Docket No. 13] and Defendant's Answer thereto was filed on April 12, 2019 [Docket No. 22].

2. On May 31, 2019, the Court entered a Scheduling Order in this adversary proceeding [Docket No. 25]. Thereafter, so as to correct a clerical error in the Scheduling Order at to the trial week date, the Court entered its Amended Scheduling Order on July 19, 2019 [Docket No. 32]. Subsequently, due to ongoing discovery and travel schedules, Plaintiffs and Defendant entered into four stipulations to extend litigation deadlines and continue the pre-trial conference and trial week dates [Docket Nos. 39, 45, 49, and 52] resulting in the ("Current Scheduling Order") [Docket No. 54].

3. As reflected in the May 31, 2019 Scheduling Order, the Court referred this matter to the Mediation Panel. In furtherance thereof, the Parties selected Alan Ickowitz as mediator, and he accepted that appointment. On July 29, 2019, the Parties and the mediator conferred and determined that the Parties would be prepared to participate in a mediation session on a date to be determined in late October – early November 2019. However, Mr. Ickowitz subsequently informed the Parties that he could not longer serve as mediator due to a conflict.

4. The progress of this adversary has been substantially affected by COVID-19's impact on the legal system, as well as ongoing voluminous document retrieval, review and production. The Parties wish to select a replacement mediator and proceed to mediation in this matter, and have agreed to continue the existing litigation deadlines, the Pre-Trial Conference and Trial Week Dates in this adversary proceeding, and to call for the completion of fact discovery prior to the close of expert discovery so that the experts will have the benefit of all disclosed facts. In addition, the Parties may wish to amend their pleadings.

5. As of this time, the parties have not yet reached agreement on the selection of a replacement mediator. Accordingly, while these negotiations continue, the parties are

stipulating to extend relevant deadlines.

It is therefore agreed between the Parties hereto as follows:

STIPULATION

1. The above Recitals are incorporated herein by reference.

2. It is hereby stipulated and agreed between the Parties hereto as follows:

(a) Mediation shall be completed in this action by or before September 30, 2020;

(b) If mediation is unsuccessful, Plaintiffs shall have 30 days from the conclusion of mediation to amend the First Amended Complaint, and Defendant shall have the later of 30 days from service of the Amended Complaint or 60 days from the conclusion of mediation to amend its Answer.

(c) The Current Scheduling Order be amended as follows:

(1) The last day to complete discovery (except as to experts), including hearings on discovery motions be extended from September 18, 2020 to November 18, 2020;

(2) The last day to disclose expert witness and expert witness reports is extended from September 23, 2020 to November 23, 2020;

(3) The last day to disclose rebuttal expert witnesses and rebuttal expert witness reports is extended from October 22, 2020 to December 22, 2020;

(4) The last day to complete discovery relating to expert witnesses, including hearings on motions related to expert discovery, be extended from November 23, 2020 to January 23, 2021;

(5) The last day for dispositive motions to be heard be extended from November 5, 2020 to January 5, 2021;

(6) The pre-trial conference presently set for January 12, 2021 shall be continued to a date convenient to the Court's calendar on or after March 12, 2021;

(7) Trial, currently set for the week of January 25, 2021 shall be

continued to the week of March 25, 2021 or the next available trial week of the Court.

3. All other terms and deadlines set forth in the Current Scheduling Order are to remain in full force and effect.

4. This Stipulation is without prejudice to any Party to seek further deadline, Pre-Trial or Trial Week extensions for good cause shown.

PACHULSKI STANG ZIEHL & JONES LLP

Dated: August 18, 2020

By: _____
Steven J. Kahn
Co-Counsel to Chapter 11 Debtors and Debtors in Possession and Counsel for Plaintiffs

Dated: August ___, 2020

LESLIE COHEN LAW, PC

By: */s/ Leslie A. Cohen*
Leslie A. Cohen.
Attorneys for Defendant

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

506 Santa Monica Blvd., Suite 200, Santa Monica, CA 90401

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION EXTENDING LITIGATION DEADLINES AND CONTINUING PRE-TRIAL CONFERENCE AND TRIAL WEEK DATES** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 8/18.20, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Leslie A Cohen leslie@lesliecohenlaw.com, jaime@lesliecohenlaw.com;olivia@lesliecohenlaw.com
Steven J Kahn skahn@pszyjw.com
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov ☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 8/18/20, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached pages

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) ___, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/18/20	Olivia Hill	/s/ Olivia Hill
Date	*Printed Name*	*Signature*